

AT AN ADJOURNED MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 26TH DAY OF NOVEMBER 2007, AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	Steve L. Spradlin	-Chair
	Mary W. Biggs	-Vice Chair
	Gary D. Creed	-Supervisors
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	James D. Politis	
	B. Clayton Goodman, III	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Karen Edmonds	-Human Resources Director
	T.C. Powers	-Planning Director
	Dari Jenkins	-Zoning Administrator
	Marc Mcgruder	-Budget Manager
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

ADD TO THE AGENDA - ADDENDUM

On a motion by Mary W. Biggs, seconded by James D. Politis and carried unanimously, the following addendum was added to the agenda under Closed Meeting:

- Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel

2. Boundary Line Adjustment – City of Radford

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

3. Elliston/Lafayette Elementary School Site

The vote on the foregoing motion was as follows:

AYE

John A. Muffo

James D. Politis

Annette S. Perkins

Mary W. Biggs

Doug Marrs

Gary D. Creed

Steve L. Spradlin

NAY

None

INTO CLOSED MEETING

On a motion by Doug Marrs, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Prices Fork School Site
 2. Old Blacksburg Middle School
 3. Elliston/Lafayette Elementary School Site
- (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
1. Access across the Huckleberry Trail

2. Boundary Line Adjustment – City of Radford

- (5) Discussion Concerning A Prospective Business Or Industry Or The Expansion Of An Existing Business Or Industry Where No Previous Announcement Has Been Made Of The Business Or Industry's Interest In Locating Or Expanding Its Facilities In The Community.

1. Project # 200725

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Board of Zoning Appeals
2. Community College Board
3. Economic Development Commission
4. Office on Youth Advisory Board
5. Pepper's Ferry Regional Wastewater Treatment Authority (PFRWTA)
6. Personnel

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed
Doug Marrs
Mary W. Biggs
Annette S. Perkins
James D. Politis
John A. Muffo
Steve L. Spradlin

NAY

None

OUT OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by Annette S. Perkins and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Doug Marrs
Mary W. Biggs
Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed
Steve L. Spradlin

NAY

None

CERTIFICATION OF CLOSED MEETING

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

Mary W. Biggs
Annette S. Perkins
James D. Politis
John A. Muffo
Gary D. Creed
Doug Marrs
Steve L. Spradlin

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A Moment of Silence was lead by Supervisors Biggs, Vice-Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARINGS

Rezoning Request and Special Use Permit – Wayne & Joy Compton

Continued from September 24, 2007

A request by Wayne F. and Joy C. Compton to rezone approximately 1+ acres from Residential (R-2) to Community Business (CB), with possible proffered conditions, with a Special Use Permit (SUP) to allow a single family dwelling and a Special Use Permit (SUP) to allow truck, trailer sales, service, rental, and repair with outside operations. The property is located on the north side of Jennelle Road (SR 603), and is identified as Tax Parcel No(s). 068-A-125, 126 (Acct #'s 003868, 003869) in the Mt. Tabor Magisterial District (District B). The property currently lies in an area designated as Residential Transition in the Comprehensive Plan.

Dari Jenkins, Zoning Administrator, explained that the Board of Supervisors continued this hearing from their September 24, 2007 meeting in order to allow the applicant to meet with his neighbors to address their concerns regarding the proposed garage. Mr. Compton is requesting to rezoning his property to Community Business from Residential with a Special Use Permit to allow the existing home to remain residential and is also requesting another SUP to allow a garage. Ms. Jenkins noted that a proffer regarding the upkeep and maintenance of the property was submitted by Mr. Compton. The Zoning Administrator will determine if the property is kept neat and orderly, not the property owner.

Wayne Compton, applicant, addressed the Board regarding his request. Mr. Compton explained he is retiring and would like to start a garage for minor repairs, state inspections, and oil changes. He will use the existing garage behind his place of residence for the business, which has existed for 25 years. He understands the driveway to the garage is in close proximity to the adjoining property line; however, there have not been any problems in the past. Mr. Compton stated he has talked to most of his neighbors, some willing to talk and some not, regarding his proposed plan.

Supervisor Marrs asked the width of the driveway and the size of the existing garage. Mr. Compton replied that the driveway is 12 ft. wide and the garage is 10 ft wide and 12 ft in height.

Supervisor Spradlin noted that the days and hours of operation were not listed and asked Mr. Compton his hours of operation. Mr. Compton replied that his intentions are to work Monday – Friday only, no weekend work. Supervisor Spradlin asked if he was willing to submit the hours of operation as a proffer. Mr. Compton agreed that he would be willing to submit a proffer that the hours of operations will be Monday – Friday, 7 a.m. – 7 p.m. no weekend hours.

Kerry Hay spoke in support of the proposed request. Mr. Hay believes this proposed garage will be a positive for the community as there will be a place to go for minor repairs and state inspections. He has known the Compton's for 30+ years and they are very reliable and trustworthy.

Nelva Viers spoke in support of the proposed request. Ms. Viers stated that there are several businesses already within a mile of each other in the community and Mr. Compton's request for a small garage would fit in.

JoAnn Craven spoke in opposition of the proposed request. Ms. Craven owns the adjoining property, where her mother has lived for 50 years. She stated she understands Mr. Compton's request but believes that the site is not suitable for a garage. She believes a garage will decrease the value of their property and contaminate their water supply.

There being no further speakers, the public hearing was closed.

Supervisor Biggs stated that due to the applicant submitting additional proffers to the Board of Supervisors she believes the request should be referred back to the Planning Commission in order for them to review the proffers.

The County Attorney explained that the Planning staff will need to send out notices to the adjoining property owners that the Planning Commission will further review this request; however, it does not require another public hearing.

R-FY-08-69
REFER BACK TO THE PLANNING COMMISSION
WAYNE & JOY COMPTON
REZONING AND SPECIAL USE PERMIT REQUEST

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the request by Wayne F. and Joy C. Compton to rezone approximately 1+ acres from Residential (R-2) to Community Business (CB), with possible proffered conditions, with a Special Use Permit (SUP) to allow a single family dwelling and a Special Use Permit (SUP) to allow truck, trailer sales, service, rental, and repair with outside operations, located on the north side of Jennelle Road (SR 603) is hereby referred back to the Planning Commission for further review due to additional proffers submitted by the applicant.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Doug Marrs	
Steve L. Spradlin	

Rezoning Request – Brush Mountain Estates, LLC - Continued from October 22, 2007

A request by Brush Mountain Estates, LLC (Agent: Draper Aden Associates) to rezone approximately 132.51 acres from Agriculture (A-1) to Rural Residential (RR), with possible proffered conditions, to allow a 41 lot subdivision. The property is located on the east end of Strider Road, approximately 2000 feet from its intersection with Laurel Drive (State Rte 809).

Dari Jenkins, Zoning Administrator, summarized the request. She noted that the original request was to allow for a 41 lot subdivision. The applicant submitted proffers at the Planning Commission's November 14th meeting stating that the maximum number of dwelling units will not exceed 35. The applicant would like to rezone 132.51 acres and develop the property in a method similar to the adjacent subdivision, Laurel Ridge and Brush Mountain West. The area is not served by public water or sewer; therefore, private wells and septic systems will be required. The property is located on the east end of Strider Road, which the developer planned to use as the public access. Strider Road is currently a private road and there has been right-of-way issues. The developer indicated that all streets will be public and constructed to VDOT standards. The developer is also proposing to dedicate a common area to the County for the construction of trails through-out the subdivision that will tie to the existing Town of Blacksburg's trail. The applicant proffered the following:

1. The maximum number of dwelling units will not exceed 35 on Tax Parcel 27-A-40 with lot size equal to or greater than 1.5 acres unless the compact development option is utilized.
2. All streets will be public and constructed to VDOT standards and specifications for inclusion in the State Secondary Road System.
3. No structures or water wells will be sited above the designated areas that has been mined.
4. Wording will be included in the Private Covenants and Restrictions to require, as legally allowable, tree and brush clearing within 30 feet of each home in accordance with Montgomery County's wildfire mitigation plan.
5. Wording will be included in the Private Covenants and Restrictions stating that other than those trees on the sites of homes, septic fields, outbuildings and driveways and those trees within a radius of 75 feet of the home, no sound trees are to be cut which are over a diameter of 8 inches at breast height.
6. A public common area will be dedicated to Montgomery County along Toms Creek as generally shown on the attached sketch plan.

At their November 14, 2007 meeting, the Planning Commission by a vote of 4 to 3 recommended approval of the rezoning request with the acceptance of the six proffered conditions submitted by the applicant.

The County Administrator reported that proffer #6, which dedicates property along Toms Creek to Montgomery County to create trails will become the property of the County and the County will have to maintain. He believes the County is not in the position to accept ownership of the property as they do not have the manpower or the funding to provide maintenance. He recommended that the developer dedicate an easement right-of-way along the trail instead.

Joe Powers, Planning Director, explained that the land would become public ownership, which abuts to public land owned by the Town of Blacksburg. The developer would extend the trail service for public use. If the land stays within the ownership of the development a homeowners association would have to be formed, and at this time there is no homeowners association, and the trail could only be used by members in the homeowners association.

Supervisor Creed asked if the Town of Blacksburg could take over the property for the proposed trail as it will link to their existing trails and it will be used mostly by town residents.

Blane Keesee, Draper Aden, representing Brush Mountain, LLC, was available to answer questions. Mr. Keesee commented that he will get clarification on proffer #6 before the next Board of Supervisors meeting. He will also contact the Town of Blacksburg on the possibility of taking ownership of the common land for the trails. Mr. Keesee reported that the access on Strider Road is still on-going; however, they are looking at another point of entrance to the proposed subdivision.

Supervisor Biggs expressed concern with the water and quality of water of the existing wells and how the construction of new wells will affect the existing wells. The Planning Director responded that the developer is willing to put in town water. In order to do this, the County would have to negotiate an agreement with the Town of Blacksburg to provide water to this area.

Elizabeth Moneyhun, expressed concern with the proposed subdivision. Ms. Moneyhun stated the proposed entrance on Strider Road is not feasible, as it is nothing but a 4- wheeler road. She cannot see how they are going to upgrade this road to VDOT standards and believes the planning needs further review. Ms. Moneyhun stated her main concern with the proposed development is the water and sewer issues. She stated the septic systems are already failing and costing up to \$40,000 to replace.

There being no further speakers, the public hearing was closed.

Ordinance Amending Chapter 10, Entitled Zoning

An Ordinance amending Chapter 10, entitled Zoning Ordinance Sections 10-44 of the Code of the County of Montgomery, Virginia by reducing the off-street parking requirements for day care facilities and reducing the off-street parking requirements for uses served by mass transit or alternative transportation plans.

Joe Powers, Planning Director, explained the amendment to Chapter 10, relating to reducing off-street parking requirements for day care facilities and reducing off-street parking for uses served by mass transit. Mr. Powers explained that when they were reviewing the special use permit for the expansion of the daycare facilities in Shawsville, the number of required parking spaces became an issue. Facilities such as a day care provider does not need the required parking spaces as specified in the ordinance. Parking is in most demand during the peak hours of dropping off and picking up children. Planning staff also reviewed businesses that utilize mass transit or alternate transportation plans that could qualify for reduce parking spaces.

There being no speakers, the public hearing was closed.

PUBLIC ADDRESS

Margret Smith addressed the Board regarding several issues. She commended the Board of Supervisors and Planning Commission on the way they review and handle rezoning requests. Ms. Smith noted at their November 14, 2007 meeting, the Board adopted an ordinance amending Chapter 10, which states that when an application for an accessory structure greater than twelve hundred (1,200) square feet in area and/or eighteen (18) feet in height when part of an application requesting a rezoning or other use, is permitted by a special use permit from the Board of Supervisors. Ms. Smith stated that any requests for accessory structures greater than 1,200 sq. ft. and over 18 ft in height have been going to the Board of Zoning Appeals (BZA). She understands the Board of Supervisors' attempt to keep the applicant from going through numerous hoops with a request; however, she believes the BZA should continue to review such

requests as they are bestowed judicial powers. She is confused with the adopted ordinance on what the powers the Board of Supervisors has versus the power of the BZA.

Alan Manzac addressed concerns he has with the school system and school employees using school equipment for personal jobs. He believes this to be an injustice to the taxpayers of the County.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated November 26, 2007 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Annette S. Perkins	None
James D. Politis	
John A. Muffo	
Gary D. Creed	
Doug Marrs	
Mary W. Biggs	
Steve L. Spradlin	

A-FY-08-62 FIRE AND RESCUE BUDGET ADJUSTMENT

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

330	Fire and Rescue	\$17,173
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
451203	Undesignated Fund Balance

\$17,173

Said resolution appropriates fund balance to cover the cost of life insurance premiums for fire and rescue personnel for FY 08.

**A-FY-08-63
SHERIFF
RECOVERED COSTS**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2008, for the function and in the amount as follows:

321	Sheriff – Grants	\$150
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
424401	Project Lifesaver	\$150

Said resolution appropriates project lifesaver funds for use by the Sheriff's department.

**R-FY-08-67
TRANSPORTATION SAFETY COMMISSION
REAPPOINT SHERIFF TOMMY WHITT**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Sheriff Tommy Whitt** to the **Transportation Safety Commission** effective January 1, 2008 and expiring December 31, 2011.

**R-FY-08-68
RESOLUTION OF APPRECIATION
STEVE L. SPRADLIN**

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

WHEREAS, Steve L. Spradlin has served the citizens of Montgomery County since January 1, 2004 when he began his term on the Board of Supervisors; and

WHEREAS, Steve L. Spradlin has served as Vice Chair of the Board of Supervisors in 2005, and as Chair in 2006 and 2007; and

WHEREAS, Steve L. Spradlin served on the Fire/Rescue Task Force in 2004 and on the Fire and Rescue Commission 2005-2007; and

WHEREAS, Steve L. Spradlin served as a member on the Parks and Recreation Commission 2004-2007, and the Resource Conservation and Development District 2004-2007; and

WHEREAS, Steve L. Spradlin has served on the Public Service Authority 2004-2007, and the Road Viewers Board 2004-2007; and

WHEREAS, Steve L. Spradlin served on the County/School Liaison Committee in 2006 and 2007, on the Utilities Committee in 2006 and 2007, and the New River Valley Economic Development Alliance in 2006 and 2007; and

WHEREAS, Steve L. Spradlin has been an active participant of the Virginia Association of Counties (VACo) and served on VACo's Telecommunication and Utilities Committee in 2004; and

WHEREAS, Steve L. Spradlin initiated the installation of lights at the Whitethorne Boat Landing area to provide lighting at the parking lot and boat ramp; and

WHEREAS, Steve L. Spradlin has contributed his efforts in the construction of the new LongShop/McCoy Fire and Rescue Station; and

WHEREAS, Steve L. Spradlin has been instrumental in guiding the direction of the Montgomery County community and its services during a period of rapid economic and community growth; and

WHEREAS, The Board of Supervisors recognizes the hard work, dedication and leadership **Steve L. Spradlin** has demonstrated in his years of service to the Montgomery County community.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, expresses its appreciation and gratitude to **Steve L. Spradlin** for his outstanding dedication to the citizens of Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Steve L. Spradlin** as a testimonial of the high esteem and appreciation in which he is regarded by the members of the Board of Supervisors and that a copy be made a part of the official minutes of Montgomery County.

NEW BUSINESS

R-FY-08-70 PEPPER'S FERRY REGIONAL WASTEWATER TREATMENT AUTHORITY APPOINTMENT

On a motion by Mary W. Biggs, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Annette S. Perkins** to the Pepper's Ferry Regional Wastewater Treatment Authority effective January 1, 2008 and expiring December 31, 2011.

BE IT FURTHER RESOLVED, The Board of Supervisors reappoints **Robert Fronk** as alternate to the Pepper's Ferry Regional Wastewater Treatment Authority effective January 1, 2008 and expiring December 31, 2011.

BE IT FURTHER RESOLVED, The expiration of a Board of Supervisors term in office, shall constitute a voluntary resignation from any board/commission/authority appointment as a representative of Montgomery County.

BE IT FURTHER RESOLVED, That employees appointed to boards/commissions/authorities as a representative for Montgomery County, such appointment is contingent upon their continued employment with the County and that any such termination or resignation from employment would also constitute a voluntary resignation from such board/commission/authority.

The vote on the foregoing resolution was as follows:

AYE

James D. Politis
John A. Muffo
Gary D. Creed
Doug Marrs
Mary W. Biggs
Annette S. Perkins
Steve L. Spradlin

NAY

None

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Budget Development for FY 2008-2009 – Compensation Plan and Health Insurance

The vote on the foregoing motion was as follows:

AYE

John A. Muffo

Gary D. Creed

Doug Marrs

Mary W. Biggs

Annette S. Perkins

James D. Politis

Steve L. Spradlin

NAY

None

Karen Edmonds, Human Resources Director, provided a presentation on the County's compensation, health insurance/clinic, and career development. The Human Resource Department conducted a compensation survey and found that approximately 75% of employee salaries are at or below midpoint. The current survey data shows the County's scale below by 5.20 % for minimum entry, below 5.31% for midpoint/market, and below 5.39% for maximum.

Ms. Edmonds also reported that the employees health clinic has been open for one year with tremendous success. Currently 68% of existing employees are participating, with most new employees signing up. The County's health insurance loss ratio was reduced last year resulting in a savings on health insurance premiums for employees. They are estimating the loss ratio for this year to be about the same as last. Renewal numbers will be available by February 2008.

Ms. Edmonds discussed briefly the County's career development program. Several employees are taking advantage of this program. Also, the training classes available to all employees are on-going. Some are required classes, such as customer service, unlawful harassment, and workplace violence.

Supervisor Marrs asked if the clinic utilization has decreased the number of sick hours taken by employees. Ms. Edmonds responded that they do not have the data on this but will provide a report.

Supervisor Creed recommended that all employees be required to have an annual physical to help identify employees at high risk.

OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends the Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed

Doug Marrs

Mary W. Biggs

Annette S. Perkins

James D. Politis

John A. Muffo

Steve L. Spradlin

NAY

None

COUNTY ATTORNEY'S REPORT

Request for Access Across the Huckleberry Trail

The County Attorney reported that in 1974 the Board of Supervisors adopted a resolution granting Homer Hurst approval to construct an access road across property owned by the County. Mr. Hurst submitted plans for development of the property but never developed any of the property. Today the property remains undeveloped and is no longer owned by Mr. Hurst. The County Attorney recommended that the Board of Supervisor revoke this resolution.

R-FY-08-71

RESOLUTION REVOKING A PREVIOUS RESOLUTION DATED MARCH 19, 1974 GRANTING HOMER HURST APPROVAL TO CONSTRUCT AN ACCESS ROAD ACROSS COUNTY OWNED PROPERTY

On a motion by Gary D. Creed, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby revokes any prior approval made by the Board of Supervisors on March 19, 1974, granting the request by Homer Hurst, Agent for LAB-RAD, Inc., should that prior approval be deemed to exist, to construct an access road across the County owner abandoned railroad right of way from the proposed PDR Development of LAB-RAD, Inc., since the proposed PDR Development of LAB-RAD, Inc., was never developed and the property is no longer owned by Homer Hurst or LAB-RAD, Inc., and due to the fact that the conditions allowing access across the County right of way that were recommended by the County Planning Commission and made a condition of the Board of Supervisors' approval were never met.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>
Doug Marrs	None	Steve L. Spradlin
Mary W. Biggs		
Annette S. Perkins		
James D. Politis		
John A. Muffo		
Gary D. Creed		

COUNTY ATTORNEY'S REPORT CONTINUED

The County Attorney commented on remarks made by Margret Smith during the Public Address Session held earlier tonight regarding the Board of Zoning Appeals. He reported that the Montgomery County Code allows certain legislative issues to be addressed by the BZA. The Board of Supervisors authorized amending the County Code to allow Special Use Permit requests for accessory structures over a certain size to be reviewed by the BZA. The Board of Supervisors can amend this action at any time deemed necessary. The Planning Commission has recommended that any rezoning application requesting the construction of an accessory structure over a certain size be reviewed by only the Board of Supervisors, therefore eliminating the step of being reviewed by the Board of Zoning Appeals.

BOARD MEMBERS' REPORTS

Supervisor Muffo reported he toured the New River Community College located at the New River Valley Mall. This being a central location in the New River Valley an increase in enrollment growth is predicted.

Social Services Board Supervisor Muffo reported that the Social Services Board is comprised of five members and currently there is one vacant position, which leaves a total of four serving on the Board. At their last meeting, it was suggested that the total number of Board members be increased to seven, one from each district. The meetings are held once a month at 9:00 a.m. Supervisor Muffo asked the other Board members their thoughts on this idea.

Supervisor Politis believes the Social Services Board consisted of seven members and was reduced to five. He believes the State Code allows for 3-11 members. He explained that they have trouble getting members to attend the meetings and it may be because the meetings are held in the morning. .

Supervisor Marrs stated he would be in favor of increasing the number of members only if one member from each district was appointed. He also suggested the meeting time could be changed to an evening meeting.

It was the consensus of the Board of Supervisors to increase the number of members on the Social Services Board to seven members if the meeting time was changed to an evening meeting.

Supervisor Biggs submitted information from the November 14, 2007 Library Board meeting and the November 20, 2007 School Board meeting to be forwarded to the other Board members.

Legislative Meeting – November 19, 2007: Supervisor Biggs reported that the Board of Supervisors hosted a legislative meeting with the County's state representatives. Senator John Edwards, Senator-Elect Ralph Smith, Delegate Dave Nutter, and Delegate Jim Shuler all attended. Supervisors Biggs stated that Montgomery County stressed that they did not want any unfunded mandates and requested the SOQ be fully funded.

Supervisor Spradlin reminded the Board that a joint meeting with the School Board is scheduled for November 27, 2007 at 6:00 p.m. at the Christiansburg High School in the library.

ADJOURNMENT

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the Board adjourned to Tuesday, November 27, 2007, 6:00 p.m. at the Christiansburg High School for a joint meeting with the Montgomery County School Board.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
Mary W. Biggs	
Annette S. Perkins	
James D. Politis	
John A. Muffo	
Gary D. Creed	
Steve L. Spradlin	

The meeting adjourned at 9:45 p.m.

APPROVED: _____	ATTESTED: _____
Steve L. Spradlin	B. Clayton Goodman, III
Chair	County Administrator